



# The Gazette of Meghalaya

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## PART - IIA

### GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

#### NOTIFICATIONS

The 9th December, 2009.

**No.RDA 31/2009/14—** It is hereby notified that the land within the boundaries described below, measuring more or less 1608.00 Sqmeters in villages Aradonga of Sub-Division Nongstoin in the District of West Khasi Hills is like to be need for public purpose viz Construction of Police Outpost.

#### BOUNDARIES

NORTH	:-	P.W.D. Road
SOUTH	:-	Land of Smti Kobita Sangma and land of sale of tax Office.
EAST	:-	P.W.D. Road
WEST	:-	P.W.D. Road

This Notification is made under the provision of section 4 of Act I of 1894, as amended by Act 68 of 1984 to all whom it may concern.

Objection to the Acquisition, if any, filed under Section 5A of the Act by any interested persons within the meaning of that section within 30 (thirty) days from the date of publication of this Notification in the Gazette of Meghalaya and in two daily News papers whichever is later, before the Deputy Commissioner, West Khasi Hills District, Nongstoin will be considered.

Government is pleased to authorized the Officers for the time being engaged in the undertaking with their servant and workmen to enter upon and survey the land and do all other works required or permitted by sub-section (2) of section 4 of the Act.

**S. R. WALLANG,**

Under Secretary to the Government of Meghalaya,  
Revenue and Disaster Management Department.

The 9th December 2009.

**No.TPT.40/97/PART/274.**—Whereas, the Government of Meghalaya propose to make rules in exercise of the powers conferred by Section 138 read with sub-section (1) of Section 212 of the Motor Vehicle Act, 1988 (Central Act No.59 of 1988);

Whereas, further in pursuant of sub-section (1) of Section 212 of the aforesaid Act, suggestions/objections/views/comments from the general public were invited and elicited so as to reach the State Government within a period of 15 days from the date of publication of the notice;

And whereas, no objections/views/comments/suggestions have been received by the Governor of Meghalaya, and now, therefore, in exercise of the powers conferred by Section 138 read with sub section (1) of Section 212 of the Motor Vehicle Act, 1988 (Central Act No. 59 of 1988), the Governor of Meghalaya is pleased to make the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules 2009 as follows:-

1. **Short title, applications and commencement:**—(1) These rules may be called the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules, 2009.
  - (2) They shall apply to all the weighbridges in the whole of the State .of Meghalaya used for commercial and regulatory purposes.
  - (3) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions:**—(1) In these rules, unless there is anything repugnant to the subject or the context, -
  - (a) "Act" means the Motor Vehicles Act, 1988 (Act No. 59 of 1988);
  - (b) "Government" means the Government of Meghalaya;
  - (c) "Secretary of Transport" means the officer appointed as such by the Government;
  - (d) "Commissioner of Transport" means the officer appointed as such by the Government;
  - (e) "Enforcement Inspector" means the officer appointed as such by the Government for the purpose of enforcing the provisions of the Motor Vehicles Act and rules to detect the violation of such Act/rules; and
  - (f) "Private weighbridge" means a weighbridge which is purely for non-commercial or personal use and shall not be located adjacent to public roads
  - (g) "Rules" means the Meghalaya Installation, Regulation, Maintenance and Operation of Weigh bridges Rules 2009; and
  - (h) "Weighbridge" means weighing device for weightment of load vehicle.(2) The terms or words used but not defined in these rules shall have the same meaning as has been respectively assigned to them in the Act or the Central Motor Vehicles Rules, 1989.
3. **Installation of weighing devices.**—The Government may install and maintain by itself as many weighbridges for the purpose of section 144 of the Act on such places as it may think necessary or may allow any private person, body of persons, company or organization to install and maintain such weighbridges on payment of lease amount to be determined in each case by the Government after calling tender :  
Provided that no lease shall be granted permission to any private person, body of persons, company or organization unless after fulfilling all criteria as laid down in rules 4, 5 & 6 of these rules and permission from the Government in Transport Department is obtained.
4. **No weighbridge without permission.**—Private person, body of persons, company or organization shall not be eligible for obtaining lease permission to run a weighbridge unless he has attained the age of 21 years and above and he has made an application for grant in writing to the Government in Transport Department through the Commissioner of Transport and shall state, -
  - (a) the full name, age and address of the applicant;
  - (b) the location where the Weighbridge is proposed to be installed together with the area and size of the place.
  - (c) the full particulars regarding ownership and rights in the place where the weighbridge apparatus is to be installed; .

- (d) when either the ownership of or right of the place or the apparatus to be used do not vest with the applicant, a certificate of 'no objection' to be obtained from the person with whom such right vests;
- (e) a 'no objection' certificate from the Deputy Commissioner/SDO (Civil) having jurisdiction over the area, to the grant of permission;
- (f) a clearance certificate from the concerned Executive Engineer, PWD (Roads) having jurisdiction over the area;
- (g) a clearance certificate from the concerned Inspector of Weights & Measures having jurisdiction over the area, that the weighbridge apparatus conforms to the standards required for the purpose; and
- (h) proof of age of the applicant.
5. **Permission for Weighbridge at the satisfaction of Commissioner of Transport.**—In considering the grant of permission, the Commissioner of Transport should satisfy himself that the proposed place for installing and operation of the Weighbridge on National Highway/State PWD Road should fulfill the following, namely:-
- (a) that adequate parking space and lay bye facility so as not to cause problems of traffic congestion on the highway is available;
- (b) that it is maintained in a safe and appropriate manner;
- (c) that the proposed location is consistent with public safety and convenience; and
- (d) that provision for off loading the excess loading is available.
6. **Commissioner of Transport to forward the application to the Secretary Transport Department.**—After satisfying himself that the application is complete and meets the requirement as laid down in the aforesaid rules 4 and 5, the Commissioner of Transport shall forward the application with all required informations to the Secretary of Transport Department for issue of permission.
7. **Renewal of permission.**—Any permission referred to in Rule 6 above, shall be renewable every 3 (three) years and no such permission shall be granted or renewed unless the proposal for the grant or renewal of permission, as the case may be, is accompanied by the certificate issued by the Inspector of Weights and Measures, Government of Meghalaya as to the accuracy and correctness of the device.
8. **Government may maintain Weighbridges.**—The Weighbridges installed by the Government shall be maintained by the District Transport Officer under whose jurisdiction such weighbridges are installed.
9. **Penalty for overloading.**—Each Weighbridge including private Weighbridges which are permitted by the Government shall be supervised by a Enforcement Inspector who will check and ensure that no vehicle carries weight above the permissible limits as fixed by the competent authority under the relevant law from time to time. Any contravention shall attract penalty as provided in section 194 of the Act.
10. **Maintaining of weighbridges.**—(1) The Weighbridge installed under these Rules shall be maintained in the following manner, namely, -
- (a) the Weighbridge shall be kept in a running condition and shall be examined, tested and certified by the Inspector of Weights and Measures at least once in a every year;
- (b) fees for weightment of different categories of Motor Vehicles shall be charged at the rate specified below, -
- | <b><u>Nature of Vehicle</u></b>   | <b><u>With Load</u></b> |
|---|-------------------------|
| (i) Light Motor Vehicle (a Transport Vehicle the GVW of which does not exceeds 7500 Kgs).   | Rs. 20/-                |
| (ii) Medium Goods Vehicles (any goods Vehicles other than light motor vehicle or a heavy goods vehicles).   | Rs. 30/-                |
| (iii) Heavy Good Vehicles (any goods Carriage the gross vehicle weight of which or a Tractor, the unladen weight of which exceeds 12,000 Kgs.) Having single axle with 4 tyres. | Rs. 50/-                |
- (c) the lessee will display a board at a prominent place within the premises of the weigh bridge to enable the customers to know easily the rates of the weightment as per the chart mentioned above;

- (d) the lessee shall issue a money receipt and certificate under his hand and seal, and give the same to the owner or the driver or conductor of the vehicle weighed showing the particulars of the vehicle and the measured weight thereof. The lessee shall keep the carbon copy with himself and the weighment certificate is to be certified or countersigned by the concerned Enforcement Inspector on duty;
  - (e) a register stating the particulars of the vehicles weighed and particulars of each vehicle shall be maintained in the Form as appended to in Schedule which shall be signed by the District Transport Officer every month; and
  - (f) a monthly statement stating the particulars of the register in the same format shall be submitted to the Commissioner of Transport, Meghalaya on or before the 10th of the month of the English Calendar Year.
- (2) The above rates are inclusive of all costs, charges and fees and the lessee shall not be entitled to claim any further amount or concession either from the vehicle owner or the Government or any account whatsoever. The rates may be revised at any time by the State Government by a notification.
11. **Vehicle to be placed on weighbridge.**—The Driver of any goods vehicle shall, upon demand by a Competent Authority, drive and place the vehicle upon any weighbridge in such a manner that the weight of the vehicle may be exhibited by the weighbridge.
12. **Enforcement Inspector or any officer may cause a driver to drive vehicle on to a weighbridge.**—If a Driver of a Motor Vehicle, within a reasonable time, fails to comply with the requisition made under rule 11 above, the Enforcement Inspector or any Officer as notified by the Government of Meghalaya may cause any person being the holder of a driving license to drive the vehicle to the weighbridge and place the vehicle upon it for weightment.
13. **Exemption from the Provision of this Rule.**—Notwithstanding anything contained herein before, no provision of this rule shall apply to vehicles belonging to Fire Brigade, Ambulance and such other class of vehicles as may be specified by the Government from time to time by notification published in Official Gazette. Similarly no provision of this Rule shall apply to Private Weighbridge as defined in Rule 2(f).
14. **Existing Weighbridges to comply with provision of these Rules.**—Notwithstanding anything contained in this Rules, the existing weighbridges shall comply with the provisions of these rules stipulated herein within a period of 1 (one) month from the date of commencement of these rules failing which the Government shall have the power either to cancel or decide otherwise.
15. **Ceasing of O.M. dated 11-09-2003.**—The O.M. dated 11th September, 2003 shall ceased to have its effect the date of commencement of these Rules.

**L. KHARKONGOR,**  
Secretary to the Govt. of Meghalaya,  
Transport Department.

**The Meghalaya Installation, Regulation, Maintenance  
and Operation of Weighbridge Rules, 2009.**

**Schedule**

**FORM**

**See Rule 10(e)**

**FORM OF REGISTER TO BE MAINTAINED BY THE  
WEIGHBRIDGES**

Sl. No.	Date of Weighment	Vehicle No.	Status loaded of Emptt. U.L.W./R.L.W.	If Loaded Particular of the materials and total load	Amounts of fees Realised	Signature of the Weighman
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The 9th November, 2009.

**No.AGRI(G)39/76/86.**—The service of Shri D. N. W. Momin, Joint Director of Horticulture (HQ), Shillong is placed at the disposal of Meghalaya Small Farmers' Agri-Business Consortium (MgSFAC) Hqr. Shillong on deputation for appointment as Joint Managing director, Meghalaya Small Famers' Agri-Business Consortium (MgSFAC) Hqr. Shillong on the following terms and conditions :-

**Terms and Conditions**

- |                         |  |
|-------------------------|--|
| 1. Period of deputation | - One year with effect from the date of joining in the first instance.   |
| 2. Pay                  | - During the period of deputation, the Officer will be entitled to draw his own grade pay and allowances as admissible under the State Government Rules plus deputation (duty) allowances at 5% of the employee's basic pay subject to a maximum of Rs.500/- P.M. when the transfer is within the same station and 10% of the employee's basic pay subject to a maximum of Rs.1000/- p.m if the transfer is outside the station, provided that the basic pay plus deputation (duty) allowance shall at no time exceed Rs.15,625/- p.m (or the maximum of the scale of pay of the deputation post). |

**OR**

The Officer may elect the scale of pay prescribed by the Foreign Employer/borrowing Government plus other allowances admissible under the Rules of the Foreign Employer/borrowing Government but without the benefit of deputation (duty) allowances subject to the restriction laid down in Para 4.5 of Finance (E) Department O.M No..FEG.74/72/357 dated 21st December, 1998.

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|---|--|
| 3. Dearness Allowances etc.               | - The Officer will be entitled to the dearness allowance under the rules of his parent Government (or under the rules of the Foreign Employer/borrowing Government according to his option to retain his scale of pay under the parent Government or he draws pay in the scale of pay attached to the post under the Foreign Employer/borrowing Government).   |
| 4. Joining Time T.A/D.A..                 | - The Officer will be entitled to joining time and TA/DA both on joining the post of deputation and on reversion there from the parent Government under the rules of the Foreign Employer. The expenditures for the purpose will be borne by the Foreign Employer/TA/DA for journeys performed on tour in connection with the work of the Foreign Employer will be paid by and under rules of the Foreign Employer. (In case of deputation to other State Government including Government of India joining time pay and T.A will be regulated as per provision laid down in Appendix 3-B of Account Code Vol.I). |
| 5. Leave Salary and Pension Contribution  | - The Foreign Employer will be liable to pay the leave salary and pension contribution according to the rate in force from time to time. Regarding payment of leave salary, the procedure laid down in O.M.No. FEG.74/72/114, dated 4th November, 1975 shall apply. (In case of deputation to other Governments including Government of India, General Principles as laid down in Account Code Vol.I shall apply).   |
| 6. Leave Salary during Disability Leave - | The Foreign Employer will be liable to pay the leave salary in respect of any disability incurred in and through service under   |

- the Foreign Employer even if such disability manifests itself after the termination of the service under the Foreign Employer.
7. Pension or Contribution Provident Fund - The Officer will not be allowed to join any pension or Contribution Contributory Provident Fund Scheme.
  8. Medical facilities - The Foreign employer/borrowing Government will provide the Medical facilities not inferior to those which the Officer would have been enjoyed in his parent Government but for his deputation.
  9. Grant of Gratuity or Pension for injury or Death - The Foreign employer will be responsible for payment of any gratuity or pension that may be admissible under the rules if any injury is sustained or occurs during the services under the Foreign Employer.
  10. Compensatory allowance. - The whole expenditure in respect of any compensatory allowance for the period of leave during, and/or at the end of services under the Foreign Employer/borrowing Governments before he joins his parent Government will be borne by the Foreign Employer/borrowing Government.
  11. Local Allowance. - The Officer will be entitled to the Local (City) allowance, House rent allowance and other local allowances according to the rules of the foreign Employer/borrowing Government.
  12. Bonus - The Officer will be entitled to the Bonus if any, at the rates as declared and allowed by the Foreign Employer to its employees if he opts the scale of pay of the deputation post.
  13. Leave Rules - The Officer will remain subject to leave Rules applicable to the Service of which he is member.
  14. Traveling Concession - The Officer will be entitled to leave Travel Concession from the Foreign Employer/borrowing Government on the scale he is entitled to under the parent Government and the cost of such concession will be borne by the Foreign Employer/borrowing Government.
  15. Residential Accommodation. - The Officer will be entitled to the residential accommodation according to the Rules of his parent Government (or the Rules of the Foreign Employer/borrowing Government according to his option to draw his own grade pay or the scale of pay of the deputation post) and the expenditure should be borne by the foreign employer/borrowing Government.
  16. Moveable and Immoveable Properties - The Officer will regularly furnish returns of moveable and unmoveable properties owned by him to the Parent Government.
  17. Commencement and Termination of Deputation Services. - The date of Commencement of the Services on deputation will be the date of Deputation Services date on which the Officer handed over charge of the post in his Parent Department/Office and the date of termination will be the date he takes over charge of the post in his Parent Department/Office as provided under Fundamental Rules and Subsidiary Rules.

Further, I am directed to enclose herewith a copy of O.M.No. FEG.74/72/357, dated 21st December, 1998 for favour of your information and needful.

**B. MARBANIANG,**

Under Secretary to the Government of Meghalaya,  
Agriculture, etc. Department.